

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/522426**

INTERNATIONAL APPLICATION NO.  
**PCT/EP2003/008229**

INTERNATIONAL FILING DATE  
**25 July 2003 (25.07.03)**

PRIORITY DATE CLAIMED  
**26 July 2002 (26.07.02)**

TITLE OF INVENTION  
**USE OF ERYTHROPOIETIN**

APPLICANT(S) FOR DO/EO/US

**Ferdinand Hermann BAHLMANN et al**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An Executed oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern other document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information (*specify*): *15 sheets of drawings; EFS form; Inventor Designation Sheet; postcard; Front Sheet of the Publication, English Translation of the Front Sheet of the Publication, English Translation of the IPER and annexes, Notification of the Recording of a change*

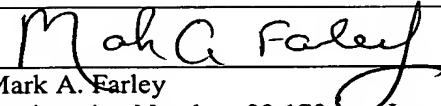
**EXPRESS MAIL CERTIFICATE**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label # EV 343722159US) in an envelope addressed to: Box PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 14, 2005:

Name of Person Mailing Correspondence: Dorothy Jenkins

Signature

Date of Signature: January 25, 2005

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <b>10/522426</b>		INTERNATIONAL APPLICATION NO. PCT/FR2003/00001750		ATTORNEY'S DOCKET NUMBER P/2107-261	
21. The following fees are submitted:				<b>DT01 Rec'd PCT/PTC 2 5 JAN 2005</b>	
[ X ] a) Basic national fee.....				\$300.00	\$ 300.00
[ X ] b) Examination fee.....				\$200.00	\$ 200.00
[ X ] c) Search fee.....				\$500.00	\$ 500.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1,000.00</b>	<b>\$ 1,000.00</b>
[ ] Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$ 0.00	
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE	
- 100 =	/50 =			x \$250.00	\$ 0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total Claims	43 - 20 =	23	x \$ 50.00	\$ 1150.00	
Independent Claims	14 - 3 =	11	x \$200.00	\$ 2200.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$ 00.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 4350.00</b>	
[X] Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
<b>SUBTOTAL =</b>				<b>\$ 4350.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$0.00	
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 4350.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by the appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 00.00	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$ 4350.00</b>	
a. [X] A check (check number _____) in the amount \$ <u>4,350.00</u> to cover the above fees is enclosed. b. [ ] Please charge my Deposit Account No. <u>15-0700</u> in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0700. A duplicate copy of this sheet is enclosed. <b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>					
SEND ALL CORRESPONDENCE TO: Mark A. Farley Ostrolenk, Faber, Gerb & Soffen, LLP 1180 Avenue of the Americas New York, New York 10036-8402			<div style="text-align: center;">   Mark A. Farley  Registration Number: 33,170  Telephone: (212) 382-0700 </div> <div style="text-align: right;"> January 25, 2005 </div>		